



03-CV-01328-CMP

FILED ENTERED
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JUN 20 2003 KN
AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
BY DEPUTY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

FERNANDO MORENO,

Plaintiff,

vs.

PAUL SUGURO, a Seattle Police Officer,
and the marital community of PAUL and
JANE DOE SUGURO; RUSSELL
WEKLYCH, a Seattle Police Officer, and
the marital community of RUSSELL and
JANE DOE WEKLYCH; DAVID
RITTER, a Seattle Police Officer, and the
marital community of DAVID and JANE
DOE RITTER; CITY OF SEATTLE;
SHANE WATKINS, a King County
Sheriff's Deputy, and the marital
community of SHANE and JANE DOE
WATKINS; JAMES A. KING, a King
County Sheriff's Deputy, and the marital
community of JAMES A. and JANE DOE
KING; TRAVIS DEFRIES, a King
County Sheriff's Deputy, and the marital
community of TRAVIS DEFRIES and
JANE DOE DEFRIES; and KING
COUNTY, WASHINGTON,

Defendants.

C03-1328

COMPLAINT FOR DAMAGES

(Jury Trial Demanded)

COMPLAINT FOR DAMAGES -- 1

LAW OFFICES OF MICHAEL G. BRANNAN
2033 SIXTH AVENUE, SUITE 800
SEATTLE, WASHINGTON 98121
206-448-2065

ORIGINAL

COMES NOW the plaintiff, Fernando Moreno, and alleges as follows:

I. PARTIES

1. Fernando Moreno is a resident of Mesa, Arizona.

2. The City of Seattle is a municipal corporation and a political subdivision of the State of Washington.

3. Paul Suguro is, and was, at all times pertinent to this suit, a Seattle Police Officer.

4. Jane Doe Suguro is the spouse, if any, of Paul Suguro.

5. If Paul Suguro was married at the time of the incident, all acts of Paul Suguro alleged herein were for and on behalf of the marital community of Paul Suguro and his spouse, Jane Doe Suguro.

6. Russell Weklych is, and was, at all times pertinent to this suit, a Seattle Police Officer.

7. Jane Doe Weklych is the spouse, if any, of Russell Weklych.

8. If Russell Weklych was married at the time of the incident, all acts of Russell Weklych alleged herein were for and on behalf of the marital community of Russell Weklych and his spouse, Jane Doe Weklych.

9. David Ritter is, and was, at all times pertinent to this suit, a Seattle Police Officer.

10. Jane Doe Ritter is the spouse, if any, of David Ritter.

11. If David Ritter was married at the time of the incident, all acts of David Ritter alleged herein were for and on behalf of the marital community of David Ritter and his

1 spouse, Jane Doe Ritter.

2 12. Shane Watkins is, and was, at all times pertinent to this suit, a King County
3 Sheriff's Deputy.

4 13. Jane Doe Watkins is the spouse, if any, of Shane Watkins.

5 14. If Shane Watkins was married at the time of the incident, all acts of Shane
6 Watkins alleged herein were for and on behalf of the marital community of Shane Watkins
7 and his spouse, Jane Doe Watkins.

8 15. James A. King is, and was, at all times pertinent to this suit, a King County
9 Sheriff's Deputy.

10 16. Jane Doe King is the spouse, if any, of James A. King.

11 17. If James A. King was married at the time of the incident, all acts of James A.
12 King alleged herein were for and on behalf of the marital community of James A. King and
13 his spouse, Jane Doe King.

14 18. Travis Defries is, and was, at all times pertinent to this suit, a King County
15 Sheriff's Deputy.

16 19. Jane Doe Defries is the spouse, if any, of Travis Defries.

17 20. If Travis Defries was married at the time of the incident, all acts of Travis
18 Defries alleged herein were for and on behalf of the marital community of Travis Defries and
19 his spouse, Jane Doe Defries.

20 21. King County is a political subdivision of the State of Washington.

21 **II. JURISDICTION AND VENUE**

22. This Court has jurisdiction over the subject matter of this suit pursuant to 28

1 U.S.C. § 1343(3) and 42 U.S.C. § 1983. This Court has pendent jurisdiction over the state
2 law claims.

3 23. All claims arose in the Western District of Washington. On information and
4 belief, all parties except plaintiff Fernando Moreno reside in the Western District of
5 Washington. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b).

6 **III. OPERATIVE FACTS**

7 24. On June 22, 2000, at approximately 11:00 a.m., two men held up the Wells
8 Fargo Bank, located at 13273 Aurora Avenue N. in the City of Seattle.

9 25. Members of the Seattle Police Department responded to the scene of the
10 robbery, and a gun battle ensued between the suspects and the police. In the course of that
11 gun battle, a Seattle Police Officer was wounded, and one of the suspects was killed.

12 26. The other suspect fled the scene, and remained at large until February 7, 2001,
13 at which time he turned himself in to the King County Jail. That suspect's name was
14 Aristotle Marr.

15 27. Within hours of the bank robbery on June 22, 2000, Seattle Police Homicide
16 and Robbery detectives developed information about the identity of the surviving robbery
17 suspect. Seattle Police Detectives began the process of locating and attempting to interview
18 persons who might have information about "Ari" Marr.

19 28. In the course of that investigation, Seattle Police Detectives determined that a
20 young man named Troy, who later turned out to be an individual named Troy Lisk, was an
21 acquaintance of Mr. Marr and might have information that could help locate Mr. Marr.

29. Having determined that Troy Lisk lived at 17 – 21 11th Place N.E. in the City of

1 Sammamish, King County, Washington, a detail of Seattle Police Detectives - defendant
2 DAVID RITTER, defendant PAUL SUGURO, and defendant RUSSELL WEKLYCH - went
3 to that address, along with a backup detail of King County Sheriff's Deputies - defendant
4 JAMES A. KING, defendant SHANE WATKINS, and defendant TRAVIS DEFRIES - to
5 locate and question Troy Lisk.

6 30. At approximately 3:00 a.m. on the morning of June 23, 2000 (i.e.,
7 approximately 16 hours after the bank robbery), the group of defendant police officers
8 referred to in paragraph 29 above proceeded to the home of Troy Lisk at 17 - 211th Place
9 N.E. in the City of Sammamish.

10 31. The home in question, located at 17 - 211th Place N.E. in the City of
11 Sammamish, is owned by Thomas Lisk and Cheryl Lisk, both of whom resided in the house
12 and both of whom were asleep at the start of this incident. At the time of this incident, their
13 two adult children, Troy Lisk and Tamara Lisk, also lived in the home, and were also asleep
14 at the start of this incident. Their other adult son, Chad Lisk, had arrived at the home
15 approximately 15 or 20 minutes before the start of this incident with his friend, Plaintiff
16 FERNANDO MORENO, whom he had just picked up from the Seattle-Tacoma International
17 Airport.

18 32. The owner of the house, Thomas Lisk, at the time of this incident was
19 employed as a police officer for the City of Bellevue Police Department. At the time of this
20 incident, he had been employed as a Bellevue Police Officer for 18 years, and had served as
21 a police officer for a total of 22 years.

33. FERNANDO MORENO's friend, Chad Lisk, at the time of the incident, was

1 employed as a police officer by the Maricopa County (Phoenix), Arizona Sheriff's Office.

2 34. When Chad Lisk and Plaintiff FERNANDO MORENO arrived at the Lisk
3 home, FERNANDO took his suitcase into the house and left it in a front bedroom. Chad then
4 gave him a tour of the house, showing him the ground level first, and then the basement. When
5 they came up from the basement, they passed by the front door of the house on their way up the
6 stairs to the second floor.

7 35. As they passed the front door, FERNANDO MORENO saw that it was shut. He
8 was halfway up the stairs when his attention was drawn to the front door, so he turned and saw
9 a man standing at the front door with his gun drawn. The man was wearing a dark jacket with
10 nothing on it to identify him as a police officer. The front door was now open. The man was
11 crouched down holding a gun in his two hands in the "low ready" position. The gun was
12 pointed towards Chad.

13 36. The man with the gun told Plaintiff FERNANDO MORENO and Chad Lisk to
14 put their hands up and to come downstairs. FERNANDO was scared and had no idea who the
15 man with the gun might be, or what he wanted of them. Chad told the man he (Chad) was a
16 police officer but the man kept yelling at Plaintiff FERNANDO MORENO and Chad to put
17 their hands up.
18

19 37. Because his father, Tom Lisk, is a veteran Bellevue police officer, Chad thought
20 the man might be someone his father had arrested who had come back for retaliation. Chad
21 yelled out to wake his father: "Dad, there's a guy at the door with a gun." Chad started slowly
backing up the stairs, away from the guy with the gun. Chad wanted "to get [his] gun to shoot
him or at least challenge him. To protect my family and to protect my family's house."

1 38. The man with the gun commanded Chad Lisk to come down the steps. Chad
2 Lisk continued to walk backwards up the steps to retrieve his weapon and said, while his
3 hands were in the air, "Who are you?" to the men in his home. The man with the gun
4 answered, "Police. Keep your hands out of your pockets and come down here." Chad Lisk
5 replied that he was a police officer, and was going to get his badge.

6 39. Chad Lisk was able to retrieve his badge from his pocket. The badge was a
7 six-point star, about three inches from point to point, and was gold in color. Prominently
8 displayed on the face were the words, "Deputy Sheriff" and "Maricopa County, Arizona." He
9 held the badge put in front of him while keeping his other hand in the air.

10 40. The man with the gun said, "I don't care who you are. Get down here."

11 41. At about this time several police rushed in and grabbed both Plaintiff
12 FERNANDO MORENO and Chad Lisk, throwing them up against a wall. No one ever
13 knocked on the door, and no one ever asked for permission to enter the house. When the
14 defendants referred to in paragraph 29 above arrived at the home, some or all of them entered
15 the front door without being admitted. Other than saying the word "Police" the one time
16 referred to in paragraph 38 above, the men had neither said, done, nor shown anything in any
17 way that demonstrated to Chad Lisk or FERNANDO MORENO that they were police
18 officers. They had not shown a badge or other identification, nor did their clothing bear any
19 insignia or markings to show they were affiliated with any police agency. Plaintiff
20 FERNANDO MORENO heard Chad tell them that he was a police officer and he heard one
21 man reply that he didn't care if he was.

 42. Two officers then dragged Plaintiff FERNANDO MORENO outside the house

1 onto the porch and started searching through his suitcase. They did not ask for permission to
2 look inside his suitcase, they simply opened it and dug in. Although Plaintiff FERNANDO
3 MORENO insisted he was from Arizona, the officers did not believe him. Without asking for
4 permission they also went through Plaintiff FERNANDO MORENO's pants pockets.

5 43. Chad Lisk, thinking that the intruders might have come after his father because
6 of a prior arrest or other incident, yelled to his father, "Dad, wake up! There's a guy at the
7 door with a gun." Chad Lisk then began to backtrack slowly to try to retrieve his duty
8 weapon in order to defend himself and his family.

9 44. One of the two men then asked Chad Lisk if he was Troy Lisk, to which Chad
10 Lisk replied, "No." Fearing the men were there to hurt his brother, Chad Lisk continued to
11 retreat to retrieve his duty weapon. Chad Lisk then said to the men, "I don't see uniforms on
12 either one of you," and one of the men replied, "I don't see a uniform on you, either." At that
13 point, the man not holding the gun produced a badge, and held it out from behind the man
14 holding the gun.

15 45. Seeing the badge, Chad Lisk started back down the stairs, still holding his
16 hands in the air with his badge and wallet exposed. When he got within reach of the man
17 with the gun, that man holstered his weapon and knocked Chad Lisk's wallet and badge out
18 of his hand. The man then physically restrained Chad Lisk, pushed him from the front hall
19 into the living room, and searched him.

20 46. When the defendant police officer examined Chad Lisk's identification, Chad
21 Lisk asked, in light of the fact that he had identified himself as a police officer, if it was
necessary for him to be manhandled. The defendant officer replied that once he confirmed

1 that Chad Lisk was "a cop," "we'll be o.k."

2 47. At this point, Cheryl Lisk came down the steps. Seeing her, Chad Lisk asked
3 her to tell the men that he was a cop. She did, but the men kept Chad Lisk from moving. One
4 of the men told Cheryl Lisk that they wanted to speak with Troy Lisk. Cheryl Lisk told the
5 men that who they had was not Troy Lisk. When Chad Lisk attempted to leave the living
6 room, he was prevented from doing so by the defendant police officers.

7 48. Thomas Lisk had been awakened by the sound of someone yelling that there
8 was someone in the house with a gun. Just as he was thinking that he needed to retrieve his
9 duty weapon, his daughter, Tamara Lisk, threw open his bedroom door and told him that the
10 police were holding Chad Lisk and Plaintiff FERNANDO MORENO downstairs.

11 49. Thomas Lisk put on his robe and headed downstairs. He saw his wife, Cheryl
12 Lisk, near the bottom of the stairs, and he saw a man in plain clothes holding Chad Lisk by
13 the arm in the doorway between the front hall and the living room. He saw another man in
14 plain clothes standing in the front hall area. He saw a third man, also in plain clothes
15 (wearing a tan sport coat), standing by the front door.

16 50. Cheryl Lisk asked Thomas Lisk to tell the men that Chad Lisk was a police
17 officer. At the same time, one of the men told Thomas Lisk that they needed to speak with
18 Troy Lisk. Thomas Lisk told the men that Chad Lisk was not Troy Lisk, and that Chad Lisk
19 was a police officer.

20 51. At this point, a fourth man entered the home, and repeated that they needed to
21 speak with Troy Lisk. Thomas Lisk and Cheryl Lisk went upstairs to get Troy Lisk. The man
who had been holding Chad Lisk downstairs entered Troy Lisk's bedroom. The man in the

1 tan sport coat, who verbally identified himself as Sgt. Ritter from the Seattle Police
2 department (defendant DAVID RITTER), asked if Thomas Lisk was really a police officer,
3 and Thomas Lisk indicated that he was. Defendant DAVID RITTER then invited Thomas
4 Lisk to go downstairs to receive an explanation.

5 52. Defendant DAVID RITTER explained why they wanted to speak with Troy
6 Lisk, and how they had come by their information. Thomas Lisk walked back upstairs to
7 check on his wife, who was sitting on the edge of their bed. One of the men who had entered
8 the home, believed to be defendant PAUL SUGURO, was standing at the top of stairs, and
9 engaged Thomas Lisk in conversation to confirm that he was, in fact, a Bellevue Police
10 Officer.

11 53. When Thomas Lisk went into his bedroom, he observed that his wife, Cheryl
12 Lisk, appeared to be very upset and very frightened. He explained to her why the police
13 wanted to speak with Troy Lisk. Just outside the bedroom door, Thomas Lisk saw a King
14 County Sheriff's Deputy pushing Chad Lisk's chest and holding him against the wall. This
15 police officer, later identified as defendant SHANE WATKINS, was the first one that
16 Thomas Lisk had seen wearing a uniform.

17 54. Thomas Lisk saw Chad Lisk look defendant SHANE WATKINS in the eye
18 and heard Chad Lisk tell defendant WATKINS to get his hands off him. Seeing what was
19 happening, Thomas Lisk attempted to step between WATKINS and Chad Lisk and asked
20 what was going on. WATKINS wanted to speak with Thomas Lisk later, but Thomas Lisk
21 insisted they talk right then. Chad Lisk said that it was okay, and Thomas Lisk backed away
and observed as WATKINS placed handcuffs on Chad Lisk and led him outside the home.

1 Defendant PAUL SUGURO stood by and observed this entire incident.

2 55. Earlier, the men who were holding Chad Lisk let him walk out of the living
3 room and onto the front porch. Outside, there was at least one uniformed King County
4 Sheriff's deputy and several men in plain clothes. Chad Lisk turned around and headed back
5 into the house. One of the detectives told him, "You don't need to go back in there for
6 anything." As Chad Lisk continued to go back into the house, one of the detectives called
7 one of the uniformed King County Sheriff's deputies by name and told him to follow Chad
8 Lisk into the house.

9 56. Chad Lisk went upstairs, where he saw his brother, Troy Lisk, being
10 questioned by two police officers. He saw his mother, Cheryl Lisk, standing at the top of the
11 stairs looking very frightened. Chad Lisk spoke with her to try to comfort her, and as he was
12 doing so, the uniformed King County Sheriff's Deputy, later identified as defendant SHANE
13 WATKINS, stepped in between them, right in Chad Lisk's face, and began to scream at
14 Chad Lisk, telling him to "Shut your mouth."

15 57. When Chad Lisk tried to ask WATKINS to back up a little bit and talk about
16 what was going on, WATKINS shoved Chad Lisk in the chest and held him against the wall.
17 As noted above, Thomas Lisk attempted to stop what was happening, but WATKINS would
18 not cooperate with Thomas Lisk. He led Chad Lisk down the stairs, out the front door, and
19 placed him into a patrol car.
20

21 58. Plaintiff FERNANDO MORENO saw and heard all this commotion, saw his
friend and host Chad Lisk being pushed up against a wall, handcuffed, and led away.

FERNANDO MORENO was very frightened, and was traumatized by what she saw and

1 heard.

2 59. The defendant police officers did not knock on the door to seek permission to
3 enter the Lisk home.

4 60. The defendant police officers did not announce who they were in a timely
5 manner.

6 61. The defendant police officers did not have a search warrant or an arrest
7 warrant.

8 62. The first four or five defendant police officers to enter the home were not in
9 uniform.

10 63. All the acts of defendants PAUL SUGURO, RUSSELL WEKLYCH, and
11 DAVID RITTER alleged herein were performed in the course and scope of their
12 employment with the Seattle Police Department.

13 64. All the acts of defendants JAMES A. KING, SHANE WATKINS, and
14 TRAVIS DEFRIES alleged herein were performed in the course and scope of their
15 employment with the King County Sheriff's Department.

16
17 **IV. CAUSES OF ACTION**

18 **First Cause of Action: 1983 Action, Deprivation of Fourth Amendment Rights**

19 65. Plaintiff realleges and incorporates by reference all previous allegations.

20 66. Defendants SEGURO, WEKLYCH, RITTER, WATKINS, KING, and
21 DEFRIES entered the Lisk home without any probable cause to believe that any resident or
guest of the home had committed any criminal offense, thus depriving, under color of state
law, plaintiff's Fourth Amendment rights to be free from unreasonable searches or seizures,

1 causing defendants SEGURO, WEKLYCH, RITTER, WATKINS, KING, and DEFRIES to
2 be liable to all plaintiff under 42 U.S.C. § 1983.

3 **Second Cause of Action: 1983 Action, Deprivation of Fourth Amendment Rights**

4 67. Plaintiff realleges and incorporate by reference all previous allegations.

5 68. While acting under color of state law, defendant SHANE WATKINS used
6 excessive force against FERNANDO MORENO, thereby depriving him of his Fourth
7 Amendment right to be free from unreasonable seizures. In so doing, defendant WATKINS
8 caused FERNANDO MORENO physical pain and severe emotional distress.

9 69. Defendant PAUL SUGURO stood by while defendant WATKINS used
10 excessive force against FERNANDO MORENO and did nothing to stop it or assist
11 FERNANDO MORENO in any way. In so doing, defendant SUGURO is liable to
12 FERNANDO MORENO for this deprivation of FERNANDO MORENO's Fourth
13 Amendment right to be free from unreasonable seizures.

14 **Third Cause of Action: Outrage**

15 70. Plaintiff realleges and incorporates by reference all previous allegations.

16 71. Defendants SEGURO, WEKLYCH, RITTER, WATKINS, KING, and
17 DEFRIES intentionally or recklessly inflicted emotional distress upon FERNANDO
18 MORENO, acting in a manner so outrageous in character, and so extreme in degree, as to go
19 beyond all possible bounds of decency, and to be regarded as atrocious and utterly
20 intolerable in a civilized society, thereby committing the tort of outrage.
21

72. Under the doctrine of respondeat superior, defendants CITY OF SEATTLE
and KING COUNTY are liable to FERNANDO MORENO for the tort of outrage, as the

CO3-1328P

JS 44 (Rev. 3/99)

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

FERNANDO MORENO

DEFENDANTS

PAUL SUGURO, et al

(b) County of Residence of First Listed Plaintiff
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed
(IN U.S. PLAINTIFF CASES ONLY)

KING

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
LAND INVOLVED.

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JUN 20 2003 KN

(c) Attorney's (Firm Name, Address, and Telephone Number)

LAW OFFICES OF MICHAEL G. BRANNAN
2033 6TH AVE, Suite 800
Seattle, WA 98121 (206) 448-2065

Attorneys (If Known)

AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
DEPUTY

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State ☐ 1 ☒ 1 DEF Incorporated or Principal Place of Business in This State ☐ 4 ☐ 4 DEF
- Citizen of Another State ☒ 2 ☐ 2 Incorporated and Principal Place of Business in Another State ☐ 5 ☐ 5
- Citizen or Subject of a Foreign Country ☐ 3 ☐ 3 Foreign Nation ☐ 6 ☐ 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of <input type="checkbox"/> 160 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury—Med Malpractice <input type="checkbox"/> 365 Personal Injury—Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input checked="" type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIW C/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	

V. ORIGIN

(PLACE AN "X" IN ONE BOX ONLY)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

(Cite the U.S. Civil Statute under which you are filing and write brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

42 U.S.C. § 1983. DEFENDANTS VIOLATED CIVIL RIGHTS OF PLAINTIFF BY THEIR UNLAWFUL SEARCH AND SEIZURE, AND COMMITTED TORT OF OUTRAGE

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$150,000, PLUS FEES AS TO EACH DEFENDANT. CHECK YES only if demanded in complaint: ☒ YES ☐ NO

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE E MARSHA RECHMAN

DOCKET NUMBER CO2-1327P

DATE

6/20/03

SIGNATURE OF ATTORNEY OF RECORD

[Signature]

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE